

FILED BY _____ D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE 05 MAY 31 PM 6:56
WESTERN DIVISION

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

RICKIE WHITTINGTON,
Plaintiff,

vs.

HUD-HOUSING AUTHORITY,
Defendant.

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No. 05-2090-D/P

ORDER OF DISMISSAL


On February 3, 2005, plaintiff Rickie Whittington filed a pro se complaint on the form used for commencing actions pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., along with a motion seeking leave to proceed in forma pauperis. Because the plaintiff's motion for leave to proceed in forma pauperis contained insufficient information to permit the Court to conclude that the plaintiff is unable to pay the civil filing fee or to give security therefor, the Court issued an order on April 12, 2005 directing the plaintiff, within thirty (30) days, to file a properly completed in forma pauperis affidavit or pay the civil filing fee. The time set in the Court's order has expired, and plaintiff has not paid the filing fee or otherwise responded to the order.

The April 12, 2005 order stated that "[f]ailure timely to comply with this order will result in dismissal of this action,

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pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute." 04/12/05 Order at 3. Accordingly, the Court DISMISSES the complaint without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 31 day of May, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02090 was distributed by fax, mail, or direct printing on June 2, 2005 to the parties listed.

Rickie Whittington
P.O. Box 30972
Memphis, TN 38130

Honorable Bernice Donald
US DISTRICT COURT